

Attachment A

MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court		Northern District of West Virginia	
Name (under which you were convicted): <u>Quionte Crawford</u>		Criminal Case No.: <u>19-4876</u>	<u>1:19-cr-35</u> FILED
Place of Confinement: <u>FCT Allenwood</u>		BOP Prisoner No.: <u>12934087</u>	<u>AUG 23 2021</u>
U.S. DISTRICT COURT-WVNI CLARKSBURG, WV 26301 <u>1:21cv114</u>			

MOTION

1. (a) Name and location of court that entered the judgment of conviction you are challenging: United States District Court for the Northern District of West Virginia
- (b) Criminal case number (if you know): 19-4876
2. (a) Date of the judgment of conviction (if you know): 11-25-19
- (b) Date of sentencing: 11-25-19
3. Length of sentence: Life
4. Nature of crime (all counts): 5 counts of enticement of a minor

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5. (a) What was your plea? (Check one)
Not guilty ☐ Guilty ☒ Nolo contendere (no contest) ☐
- (b) If you entered a guilty plea to one count of the indictment, and a not guilty plea to another count of the indictment, what did you plead guilty to and what did you plead not guilty to? _____

6. If you went to trial, what kind of trial did you have? (Check one)
Jury ☐ Judge only ☐
7. Did you testify at a pretrial hearing, trial, or post-trial hearing?
Yes ☒ No ☐
8. Did you appeal from the judgment of conviction? Yes ☒ No ☐
9. If you did appeal, answer the following:
- (a) Name of court: the fourth circuit of Appeals
- (b) Appeal case number (if you know): _____
- (c) Result: Affirming Mr Crawford sentence
- (d) Date of result (if you know): 02-19-21
- (e) Grounds raised: _____
See Attachment

- (f) Did you file a petition for certiorari in the United States Supreme Court?
☐ Yes ☒ No

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If yes, answer the following:

(1) Case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Grounds raised: _____

10. Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications concerning this judgment of conviction in any court? ☐ Yes ☒ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: _____

(2) Case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your motion, petition, or application? ☐ Yes ☐ No

(7) Result: _____

(8) Date of result (if you know): _____

- (b) If you filed a second motion, petition, or application, give the same information:

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(1) Name of court: _____

(2) Case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motions? ☐ Yes ☐ No

(7) Result: _____

(8) Date of result (if you know): _____

(c) Did you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition, or application?

(1) First Petition: Yes ☒ No ☐

(2) Second petition: Yes ☐ No ☐

(d) If you did not appeal from the action on any motion, petition, or application, explain briefly why you did not: _____

12. For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach no more than 5 typed or 10 neatly printed additional pages total for all grounds if you have more than four grounds. State the facts supporting each ground.

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Date of the Court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition or application?

☐ Yes ☐ No

(4) Did you appeal from the denial of your motion, petition, or application?

☐ Yes ☐ No

(5) If your answer to Questions (c)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) What was the result? _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

GROUND TWO:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

See Attachment

(b) **Direct Appeal of Ground Two:**

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(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(c) **Post Conviction Proceedings:**

(1) Did you raise this issue in any post-conviction motion, petition, or application after conviction other than direct appeal?

Yes ☐ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed:

Case number (if you know): _____

Date of the Court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition or application?

☐ Yes ☐ No

(4) Did you appeal from the denial of your motion, petition, or application?

☐ Yes ☐ No

(5) If your answer to Questions (c)(4) is "Yes," did you raise this issue in the

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appeal? ☐ Yes ☐ No

(6) What was the result? _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

GROUND THREE:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

(b) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(c) Post Conviction Proceedings:

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(1) Did you raise this issue in any post-conviction motion, petition, or application after conviction other than direct appeal?

Yes ☐ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed:

Case number (if you know): _____

Date of the Court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition or application?

☐ Yes ☐ No

(4) Did you appeal from the denial of your motion, petition, or application?

☐ Yes ☐ No

(5) If your answer to Questions (c)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) What was the result? _____

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

GROUND FOUR:

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(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): _____

(b) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

(c) Post Conviction Proceedings:

(1) Did you raise this issue in any post-conviction motion, petition, or application after conviction other than direct appeal?

Yes ☐ No ☐

(2) If your answer to Question (c)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed:

Case number (if you know): _____

Date of the Court's decision: _____

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Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion, petition or application?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion, petition, or application?

☐ Yes ☒ No

(5) If your answer to Questions (c)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) What was the result? _____

If your answer to Question (c)(4) is "Yes," state:

(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue: _____

13. Is there any ground in this motion that you have not previously presented in some federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: _____

14. Do you have any motion, petition, or appeal now pending (filed and not decided yet) in any court for the judgment you are challenging? Yes ☐ No ☒

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If "Yes," state the name and location of the court, the case number, the type of proceeding, and the issues raised. _____

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: Matthew Dellagati
234 Adams St Suite 2 Fairmont WV 26534

(b) At arraignment and plea: Matthew Dellagati

(c) At trial: _____

(d) At sentencing: Matthew Dellagati

(e) On appeal: Richard Walker
230 West Pike Street Suite 300

(f) In any proceeding after conviction other than direct appeal: _____

(g) On appeal from any ruling against you in any post-conviction proceeding after conviction other than direct appeal: _____

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

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- (a) If so, give name and location of court that imposed the other sentence you will serve in the future: _____
- (b) Give the date the other sentence was imposed: _____
- (c) Give the length of the other sentence: _____
- (d) Have you filed, or do you plan to file, any motion, petition, or application that challenges the judgment or sentence to be served in the future?

Yes ☐ No ☒

18. TIMELINESS OF MOTION: If your judgment of conviction became final more than one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2255 does not bar your motion.¹

Therefore, you ask that the Court grant the following relief:

REDUCE sentence and/or NEUTRAL

¹ The Antiterrorism and Effective Death Penalty Act of 1996 (“AEDPA”) as contained in 28 U.S.C. § 2255 paragraph 6, provides in part that:

A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of -

- (1) the date on which the judgment of conviction became final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court, if applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

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and any other relief to which you may be entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Motion under 28 U.S.C. § 2255 was placed in the prison mailing system on 08/12/21 (month, day, year).

Executed (signed) on 08/12-21 (date).



Your Signature

If the person signing is not you, state the relationship to you and explain why you are not signing this petition.

Attachment B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Quionse Tolpan Crawford
Your full name

v.

Civil Action No.: _____

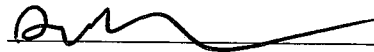
United States
District Court

Enter above the full name of respondent in this action

Certificate of Service

I, Quionse Crawford (your name here), appearing *pro se*, hereby
certify that I have served the foregoing 2255 (title of
document being sent) upon the respondent by depositing true copies of the same in the
United States mail, postage prepaid, upon the following counsel of record for the
respondent on 08-12-21 (insert date here):

(List name and address of counsel for respondent)


(sign your name)